

Message Text

LIMITED OFFICIAL USE

PAGE 01 SAN JO 04141 011428Z

65

ACTION EB-07

INFO OCT-01 ARA-06 ISO-00 L-03 COME-00 HEW-02 LOC-01

CIAE-00 INR-07 NSAE-00 /027 W
----- 071359

R 302235Z SEP 75

FM AMEMBASSY SAN JOSE

TO SECSTATE WASHDC 1593

INFO AMEMBASSY GUATEMALA

AMEMBASSY MANAGUA

AMEMBASSY PANAMA

AMEMBASSY SAN SALVADOR

AMEMBASSY TEGUCIGALPA

LIMITED OFFICIAL USE SAN JOSE 4141

E.O. 11652: N/A

TAGS: EIND, ECEM, CS

SUBJECT: PHARMACEUTICAL PATENT PROTECTION

REF: (A) STATE 211383

(B) STATE 184598

(C) SAN JOSE 4130

1. EMBASSY APPRECIATES INFORMATION PROVIDED BY
DEPARTMENT IN REFTELS WHICH WAS CONVEYED BY CHARGE

TO PRESIDENT ODUBER ON SEPTEMBER 24, AND HAS ALSO BEEN
DISCUSSED WITH PRINCIPAL COSTA RICAN PATENT OFFICIAL.
IT IS UNFORTUNATE THAT THE TERMS OF THE BUENOS AIRES
CONVENTION DO NOT APPEAR TO RESTRICT COSTA RICA'S
FREEDOM TO
GO FORWARD WITH FEATURES WE FIND OBJECTIONABLE
IN PROPOSED PATENT LEGISLATION, BUT EMBASSY'S
DISCUSSIONS OF THE LEGISLATION, WHICH WERE CARRIED OUT
IN A LOW-KEY NON-PRESSURE WAY MAY HAVE SOME USEFUL
EFFECT.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 SAN JO 04141 011428Z

2. PRESIDENT ODUBER SEEMED TO AGREE THAT PROPOSED NEW

COSTA RICAN PATENT LEGISLATION IS UNUSUAL AND MIGHT BE COUNTER PRODUCTIVE. HE PROFESSED NOT TO KNOW WHO IS BEHIND IT IN THE ASSEMBLY, AND SAID THAT HE INTENDS TO LOOK INTO THE MATTER. THE CHARGE TOLD HIM THAT THE MINISTRY OF HEALTH AND THE SOCIAL SECURITY ADMINISTRATION ARE UNDERSTOOD TO BE SUPPORTING THE BILL IN THE HOPE OF ACHIEVING LOWER DRUG COSTS, BUT THAT IN OUR OPINION THE BILL MIGHT HAVE THE OPPOSITE EFFECT. PRESIDENT ODUBER AGAIN SAID HE WOULD LOOK INTO THE MATTER.

3. EMBASSY ECONOMIC OFFICERS DISCUSSED PATENT BILL IN GREAT

DETAIL IN A ONE AND A HALF HOUR DISCUSSION WITH ANABELLA CASTRO, CHIEF OF THE PATENTS AND COPYRIGHTS OFFICE IN THE MINISTRY OF ECONOMY, INDUSTRY AND COMMERCE. MISS CASTRO IS IN TOTAL AGREEMENT WITH THE POINTS MADE IN REF (B) AND HAS STRONGLY URGED AMENDMENT OR DELETION OF ARTICLES 1 AND 14 F. SHE IS ALSO STRONGLY OPPOSED TO ARTICLE 30 WHICH WOULD NULLIFY PATENTS NOT PUT INTO USE IN COSTA RICA WITHIN FIVE YEARS.

4. MISS CASTRO STATED THAT THE PATENT BILL WAS DRAFTED IN HER OFFICE WITH A VIEW TO MODERNIZING COSTA RICA'S PATENT LEGISLATION AND GIVING STRONGER PROTECTION TO INVENTIONS. IT WAS AFTER SHE FORWARDED THE BILL TO THE MINISTRY OF ECONOMY, WHERE OTHER MINISTERS WERE DOUBTLESS CONSULTED, THAT THE OBJECTIONABLE FEATURES REDUCING PATENT PROTECTION TO FIVE YEARS (ARTICLE 1) AND GIVING PROTECTION ONLY TO PRODUCTS ELABORATED TOTALLY IN COSTA RICA (ARTICLE 14) WERE ADDED. MISS CASTRO SAID THAT SHE WOULD PREFER THAT THE LEGISLATION, WHICH IS NOW STALLED IN CONGRESS, NEVER SEE THE LIGHT OF DAY RATHER THAN BE ENACTED WITH THE OBJECTIONABLE PROVISIONS. MISS CASTRO DESCRIBED IN GREAT DETAIL THE STRONG TESTIMONY WHICH SHE PRESENTED TO THE COSTA RICAN LEGISLATURE IN WHICH SHE INFORMED THEM IN THE STRONGEST POSSIBLE TERMS OF THE USELESSNESS AND PROBABLE HARM OF ENACTING LEGISLATION THAT WOULD NOT PROVIDE ADEQUATE PROTECTION FOR PATENTS. SHE ILLUSTRATED FOR THE DEPUTIES THE COMPLETE ABSURDITY OF REQUIRING THAT ALL PATENTABLE LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 SAN JO 04141 011428Z

PHARMACEUTICAL PRODUCTS AND PROCESSES BE PRODUCED IN TOTALITY IN COSTA RICA. THE WAY THE LAW IS WRITTEN WOULD SEEM TO REQUIRE THAT EVEN THE RAW MATERIALS BE OF COSTA RICAN ORIGIN.

5. MISS CASTRO ALSO STATED TO EMBOFFS THAT SHE BELIEVES CERTAIN PORTIONS OF THE PATENT BILL TO BE UNCONSTITUTIONAL IN THAT THEY WOULD DENY TO SOME PATENT APPLICANTS EQUAL

PROTECTION OF THE LAW. THIS POINT OF VIEW COULD BE
SIGNIFICANT, IF THE BILL IS ENACTED, BECAUSE MISS CASTRO
IS TO BECOME A JUDGE OF THE COSTA RICAN SUPREME COURT
(REFTEL C).

6. AS FOR THE STATUS OF THE PATENT BILL, MISS CASTRO
SEEMS TO KNOW LITTLE MORE THAN THE FACT THAT IT IS NOW
STALLED IN COMMITTEE IN THE CONGRESS. IF THE BILL
MOVES FORWARD, SHE HOPES THAT THE DEPUTIES WILL HEED
HER ADVICE FOR MODIFYING THE MORE OBJECTIONABLE
FEATURES, BUT SHE DOES NOT KNOW WHETHER OR NOT THEY
WILL DO SO.
LANE

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PATENT AGREEMENTS, PATENT LAW
Control Number: n/a
Copy: SINGLE
Draft Date: 30 SEP 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975SANJO04141
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750341-0010
From: SAN JOSE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t1975091/aaaaaaew.tel
Line Count: 128
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 75 STATE 211383
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 04 SEP 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <04 SEP 2003 by SmithRJ>; APPROVED <15 DEC 2003 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: PHARMACEUTICAL PATENT PROTECTION
TAGS: EIND, ECEM, CS
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006